

Florida Department of Education (FDOE) Ed-Flex Application

Eligibility Information – Page 6

Assurance 3: Describe the state’s authority to waive state statutory or regulatory requirements relating to education (i.e. provide legal citations to relevant statute or regulation).

FDOE allows the following waivers for state statutory and regulatory requirements:

- Section 1001.10(3), Florida Statutes.

To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights and student health, safety and welfare.

- Section 1002.451, Florida Statutes.

This provision authorizes Florida school districts to operate an innovation school of technology, which is exempt from the Florida Education Code while still requiring that the schools comply with certain laws including those related to the student assessment program and school grading system; civil rights; services to students who have disabilities; student health, safety and welfare; class size; compensation and salary schedules; and public meetings and records. The statute also describes how a school district may apply for a waiver for a school to operate an innovation school of technology.

Descriptions – Page 7

1. Describe the process the SEA will use to evaluate applications from LEAs, educational service agencies, or schools requesting waivers of

- A. Federal statutory or regulatory requirements; and
- B. State statutory or regulatory requirements relating to education.

The Florida Department of Education (FDOE) will offer local educational agencies (LEAs) the option of requesting waivers of Elementary and Secondary Education Act (ESEA) or Strengthening Career and Technical Education for the 21st Century Act (Perkins V) requirements, except those not subject to waiver by statute.

LEAs will submit an LEA flexibility plan for FDOE review and approval that encompasses any Ed-Flex waiver requests sought by the LEA. The LEA’s flexibility plan shall include the following:

1. Specification of which federal programs will be affected, and which state or federal requirement(s) are sought to be waived;

2. Indication of whether the waiver will apply LEA-wide or to a single or subset of schools. If only a single or subset of schools will be included, a list of schools by name and MSID number;
3. How the purposes and overall expected results of waiving each requirement will positively impact student achievement;
4. For each school year, specific, measurable educational goals for each LEA or school affected by the proposed waiver, and for the students served by the LEA or school who are affected by the waiver;
5. Explanation as to why the waiver will assist the LEA or school in reaching these goals;
6. A description of how the underlying purposes of the statutory requirements for each program for which a waiver is sought will continue to be met; and
7. A description of how the notice and comment requirements in 20 U.S.C. § 5891b(a)(7) have been met and for waivers of state requirements, how the LEA has provided public notice and appropriate opportunity for stakeholder input.

FDOE will approve the Ed-Flex portion of an LEA's flexibility plan if it meets the following criteria:

1. The LEA or school(s) requesting such waiver have developed a local plan (as outlined in the flexibility plan) that:
 - a. Is applicable to such agency or school, respectively; and
 - b. Includes innovative methods to leverage resources to improve program efficiencies that benefit students;
2. The waiver of Federal and/or state statutory or regulatory requirements will assist the LEA or school(s) in reaching its educational goals, particularly goals with respect to school and student performance; and
3. The underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

Once approved, for the duration of FDOE's grant of authority from USED, the LEA flexibility plan will be in place unless or until the LEA submits a revision that is approved by the FDOE, or until the FDOE rescinds approval in whole or in part. A revision to the plan may include waivers that are ongoing or that are limited in time.

2. Describe the state statutory and regulatory requirements relating to education that the state educational agency will waive.

The FDOE will waive State Board of Education rules that relate to district school instruction and school operations, except as prohibited under section 1001.10(3), Florida Statutes, as described above.

3. Describe the clear educational objectives the state intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students.

The mission of Florida’s Early Learning-20 education system is to increase the proficiency of all students within one seamless efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents and communities. Florida will have an efficient world-class education system that engages and prepares all students to be globally competitive for college and careers. This is accomplished through goals the state intends to meet under the educational flexibility plan that would leverage resources to improve program efficiencies that benefit students.

These goals include:

1. Highest Student Achievement
2. Seamless Articulation and Maximum Access
3. Skilled Workforce and Economic Development
4. Quality Efficient Services

The waivers that FDOE seeks to implement under Ed-Flex support this strategic plan. Approved LEA waivers will ensure alignment in one or more of these three areas:

- Increasing achievement for the most vulnerable students as determined by progress monitoring data and other factors (Highest Student Achievement)
- Increasing teacher recruitment and retention to ensure Florida continues to prioritize high-quality teachers in every classroom (Skilled Workforce and Economic Development)
- Ensuring evidence-based programs and acceleration opportunities are available to all students in Florida (Seamless Articulation and Maximum Access)

By allowing waivers, FDOE will provide LEAs with reduced administrative burden so resources may be used more effectively and the focus remains on student achievement (Quality Efficient Services).

4. Describe how the educational flexibility plan is coordinated with activities described in the Title I, Part A section of the SEA’s approved consolidated state plan, consistent with subsections (b), (c), and (d) of section 1111 of the ESEA.

Florida has continued to realize significant growth in student achievement outcomes through challenging state academic standards, a first-in-the-nation progress monitoring system and a laser focus on school improvement. In 2024-25, improvements were seen in K-12 school performance grades across all school types, including 71% of all graded schools (2,461 schools) earning either an “A” or “B” grade, compared to 64% (2,215) of schools last year. Florida charter schools are also thriving with 77% earning “A” or “B” grades. Florida will see even more growth with the

ability to grant waivers to LEAs, and appreciate that federal leadership recognizes that flexibility leads to greater innovation and outcomes for students.

5. Describe how the SEA will evaluate (consistent with the requirements of Title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies, and LEAs affected by the waivers.

In its application for an Ed-Flex waiver, each LEA will be required to identify the purposes and overall expected results of waiving each requirement and for each school year, as well as specific, measurable educational goals for each LEA or school affected by the proposed waiver, and for the students served by the LEA or school who are affected by the waiver, which goals may be the same as or coordinated with the goals established in the state accountability system. The FDOE will track the LEA's progress toward meeting the stated objectives and goals. In addition, the waivers will be granted only if they will support the state's overarching goals and objectives, which will be measured as outlined herein.

6. Describe how the SEA met the requirements for Public Notice and Comment to:

A. Provide the public with adequate and efficient notice of the proposed waiver authority, consisting of a description of the agency's application for the proposed waiver authority, including a description of any improved student performance that is expected to result from the waiver authority.

The FDOE posted a public notice on the FDOE website with an opportunity for stakeholder feedback on the proposed Ed-Flex waiver no less than two weeks in advance of the submission to the U.S. Department of Education. The public notice included a link to the Bureau of Federal Educational Programs general email inbox (BFEP@fldoe.org) to facilitate the submission of comments by interested parties. The notice included a draft of the proposed Ed-Flex waiver, which included the proposed objectives and measurements noted herein.

B. Provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority in accordance with any applicable state law specifying how the comments may be received, and how the comments may be reviewed by any member of the public.

The FDOE sent an electronic memo to LEA superintendents, charter school officials and private school administrators with an opportunity to comment no less than two weeks in advance of the submission to the U.S. Department of Education. The memo included a direct link to the proposed Ed-Flex waiver on the FDOE website and a link to the Bureau of Federal Educational Programs general email inbox (BFEP@fldoe.org) to submit comments.

7. Submit as an attachment the comments received from Public Notice and Comment with the application of the SEA to the Department.